

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 SOE-02 AID-05 CEA-01 CIAE-00

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USOECD

FOR EB/FSE ROSEN

E.O.11652: NA

TAGS: ENRG OECD

SUBJECT: JAN 11-12 IEA/SOM MEETING: CHAIRMAN'S

COMPROMISE DISCUSSION

1. SUMMARY: JAN 12 SOM DISCUSSION OF RECENT APPLICATION OF CHAIRMAN'S COMPROMISE REVEALED CONTINUED SHARP DIVISION OF VIEWS, WITH PRO AND ANTI-DISAGGREGATION DELEGATIONS LINING UP ACCORDING TO FAMILIAR PATTERN. SOM CHAIRMAN BECKER WILL REPORT THIS SITUATION TO JAN 19 GOVERNING BOARD, URGING THAT PROCEDURE FOR APPLYING COMPROMISE BE CLARIFIED WHEN NEXT CASE IS CONSIDERED. END SUMMARY.

2. IN THE DISCUSSION OF THE CHAIRMAN'S COMPROMISE IN THE SOM THE SECRETARIAT, DANISH AND SWEDISH DELEGATIONS REVIEWED APPLICATION OF COMPROMISE AND EXPRESSED SATISFACTION WITH EXPERIENCE.

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3. US DEL GAVE PRELIMINARY REACTION EMPHASIZING THAT WE DO NOT CONSIDER THIS CASE A PRECEDENT AND FEEL THAT PROCEDURE USED IS CLEARLY OUTSIDE THE FRAMEWORK OF THE COMPROMISE.

4. OTHER DELEGATIONS EXPRESSED THEIR VIEWS WHICH WERE

CONSISTENT WITH POSITIONS TAKEN IN PREVIOUS MEETINGS. UK SUPPORTED US POSITION. NORWAY QUESTIONED THE NEED FOR USING THE COMPROMISE IN THIS PARTICULAR CASE. GERMANY SUGGESTED A CASE-BY-CASE APPROACH IN THE FUTURE. ITALY SUPPORTED APPLICATION OF THE COMPROMISE AND THE PROCEDURE.

5. SOM CHAIRMAN BECKER INDICATED HE WOULD REPORT TO THE GOVERNING BOARD MAKING THE FOLLOWING POINTS:

- FIRST CASE OF APPLICATION OF THE COMPROMISE HAS BEEN BROUGHT TO AN END;

- THE TWO COUNTRIES INVOLVED SAID IT WAS USEFUL AND THE PROCEDURE SUCCESSFUL;

- AFTER REPORTS ON THE CASE BY THE SECRETARIAT, DENMARK AND SWEDEN ON THE CASE VARIOUS DELEGATIONS GAVE THEIR VIEWS WHICH INDICATED THERE IS STILL A DIFFERENCE OF OPINION;

- THE GROUP AGREED TO TRY AND CLARIFY THE PROPER PROCEDURES TO BE USED WHEN THE NEXT CASE OF APPLICATION OF THE COMPROMISE IS CONSIDERED.

BECKER ACCEPTED A US REQUEST THAT THE REPORT POINT OUT LIMITED OFFICIAL USE

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THE US RESERVATION IN REGARD TO THE PROCEDURE APPLIED.

6. THE US AND UK DELS HAD A DISCUSSION ON THE COMPROMISE WITH IEA LEGAL ADVISORS SCOTT AFTER THE SOM CONCLUDED. SCOTT MAINTAINED THAT WHILE THE SECRETARIAT COULD NOT RELEASE COMPANY DATA IN THIS CASE IT WAS THE TWO COUNTRIES THEMSELVES THAT WAIVED THE RIGHT OF CONFIDENTIALITY. HE SAID THAT THIS CASE WAS NOT A GENERAL PRECEDENT AND THAT OBVIOUSLY SUCH AN EXCHANGE OF DATA COULD TAKE PLACE ONLY WHEN THE GOVERNMENTS INVOLVED AGREED.

7. THE USDEL REITERATED ITS BELIEF THAT SUCH AN EXCHANGE WOULD BETTER BE HANDLED OUTSIDE THE CONTEXT OF THE CHAIRMAN'S COMPROMISE AND EMPHASIZED OUR CONCERN ABOUT THE LEGAL IMPLICATIONS. THE UK DELEGATE SAID SUCH A PROCEDURE COULD RISK LIMITING COMPANY COOPERATION AND THAT THEY WANT TO STUDY THE VERY SERIOUS IMPLICATIONS RAISED.

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